

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

UNION ASSET MANAGEMENT HOLDING  
AG AND SJUNDE AP-FONDEN, Individually,  
and on Behalf of All Others Similarly Situated,

Plaintiffs,

- v. -

THE KRAFT HEINZ COMPANY, et al.,

Defendants.

Case No. 1:19-cv-01339

ECF Case

The Hon. Robert M. Dow, Jr.

**MOTION TO DISMISS  
THE CONSOLIDATED CLASS ACTION COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6) and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4, *et seq.*, and upon the accompanying memorandum of law and exhibits, Defendants 3G Capital Partners, 3G Capital, Inc., 3G Global Food Holdings, L.P., 3G Global Food Holdings GP LP, 3G Capital Partners LP, 3G Capital Partners II LP, and 3G Capital Partners Ltd. respectfully move the Court to dismiss Plaintiffs' Consolidated Class Action Complaint dated January 6, 2020 in its entirety and with prejudice. Additionally, at the conclusion of the briefing on this motion, as so ordered by the Court, the Defendants request the opportunity to present oral argument on this motion.

Date: New York, New York  
March 6, 2020

Respectfully submitted,

**KIRKLAND & ELLIS LLP**

*/s/ Robert E. Earles*

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 6, 2020, I electronically filed the foregoing Motion to Dismiss the Consolidated Class Action Complaint with the Clerk of the Court through the CM/ECF system, which will automatically send notification of the filing to all counsel of record.

*/s/ Robert E. Earles*  

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